

National Organization for Women Foundation

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Kim Gandy
President

Olga Vives
Executive Vice President

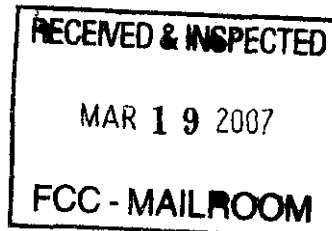
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March 14, 2007

Melody Drnach
Education Vice President

Latifa Lyles
Secretary-Treasurer

Kevin J. Martin, Chairman
Federal Communications Commission
445 12th Street, SW. #8-B201
Washington, DC 20554

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Re: 2006 Quadrennial Regulatory Review – Review of the Commission's
Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section
202 of the Telecommunications Act of 1996, MB Docket No. 06-121

2002 Biennial Regulatory Review – Review of the Commission's
Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section
202 of the Telecommunications Act of 1996, MB Docket No. 02-277

Dear Chairman Martin:

The National Organization for Women Foundation (NOW) asks that before the Commission makes any decisions to relax any of the media ownership rules in the above referenced proceedings, that it adopt rules designed to ensure that women, as well as people of color, have meaningful opportunities to own broadcast stations.

As you know, in remanding the rules adopted in the *2002 Biennial Review*, the Third Circuit expressly mandated that the FCC "consider MMTC's [Minority Media and Telecommunications Council's] proposals for enhancing ownership opportunities for *women* and minorities, which the Commission had deferred for future consideration." *Prometheus Radio Project v. FCC*, 373 F.3d 372, 435 n. 82 (3rd Cir 2004) (emphasis added).

In the Further Notice of Proposed Rulemaking (FNPRM) issued July 24, 2006, the Commission did ask for comment on the MMTC proposals, but failed to specifically describe or even list MMTC's proposals or indicate which of the proposals it proposed to adopt or thought offered the most promise.

Moreover, none of the ten media ownership studies announced by the Commission in November 2006 seems designed to address the extent to which broadcast stations are owned by women, obstacles faced by women seeking to own broadcast stations, or whether the programming needs of women are being served by the current ownership structure. See Public Notice, *FCC Names Economic Studies to Be Conducted As Part of Media Ownership Rules Review* (Nov. 22, 2006). Three of the studies are intended to address, at least in part, issues

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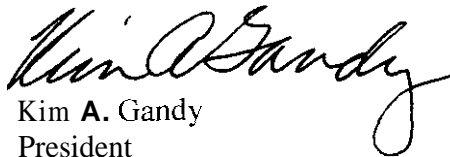
related to minorities. For example, Study 3 will analyze the effect of ownership structure on the quantity and quality of different types of television programming including minority programming, while Studies 7 and 8 will examine levels of minority ownership of media companies and barriers to entry. However, none of the studies described in the Public Notice mention women.

The paucity of broadcast stations owned by women is a long standing problem that has grown worse in recent years. The FCC's initial awards of licenses exclusively to white men, past and current discrimination in the financing, advertising and broadcast industries, and inaction on the part of the FCC and Congress, have all contributed to the absence of female broadcast owners. Although women make-up over half of the population and own nearly 30% of all non-farm businesses,¹ the FCC's most recent data show that women own a mere 3.41% of broadcast stations.² This disparity suggests that broadcast industry-specific barriers, rather than general societal discrimination alone, hamper the ability of women to own broadcast stations.

While the FCC used to take into account in comparative hearings whether the applicant included women owners who proposed to work at the stations, the FCC stopped when the D.C. Circuit found that the FCC had failed to collect adequate empirical support for the proposition that women owners would enhance viewpoint diversity. *Lamprecht v. FCC*, 958 F.2d 382, 395-98 (D.C. Cir. 1992). NOW strongly believes that increasing the number of stations owned by women would promote view-point diversity. The *Lamprecht* decision highlights the need for the FCC to develop a factual record to support policies that will facilitate women ownership of broadcast stations.

Therefore, NOW asks that the FCC expand its existing studies or initiate new studies to include women, to issue a further NPRM that would seek comment on specific proposals designed to promote broadcast station ownership opportunities for both women and minorities, and elicit a factual record that could be used to defend such policies when and if challenged. Only after the Commission has adopted meaningful and defensible policies should it consider whether to relax the media ownership restrictions.

Respectfully submitted.


Kim A. Gandy
President

¹ U.S. Census Bureau. *Survey of Business Owners: Women Owned Firms* (2002, revised August 2006) available at <http://www.census.gov/csd/sbo/women2002.htm>.

² Federal Communications Commission. *Ownership Report for 2004-2005: Female Ownership* (June 9, 2006) available at http://www.fcc.gov/ownership/owner_female_2004-2005.pdf. See also Comments of United Church of Christ, National Organization for Women, Media Alliance, Common Cause, and Benton Foundation, MB Docket No. 06-121, filed October 23, 2006, at 5-9 and Appendix A for a discussion of problems with FCC collection of female ownership data.